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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,160	03/16/2001	Akira Motojima	2001-0320A	5734
513	7590	01/13/2006	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			WOO, STELLA L	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/809,160	MOTOJIMA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stella L. Woo	2643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,4 and 9-12 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8 and 13-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasai et al. (US 4,866,776, hereinafter "Kasai").

Regarding claim 1, Kasai discloses a sound system (automotive audio speaker system) comprising:

an attenuating means for attenuating either a left channel signal or a right channel signal according to an operation on an operating part (balance controller 106 adjusts audio signal levels for right-side speakers 2a and 4a and left-side speakers 2b and 4b; col. 3, lines 21-40); and

a controlling means for controlling an attenuation of a center channel signal depending on the attenuation of the left channel signal or the right channel signal (when the signal level difference between the right and left

channels is greater than a reference value, the center audio channel is reproduced at a lower volume; col. 7, lines 46-57).

Regarding claims 5 and 7, Kasai discloses a sound system (automotive audio speaker system) comprising:

an attenuating means for attenuating either front side channel signals or rear side channel signals according to an operation on an operating part (fader controller 104 adjusts audio signal levels for the front set of speakers 2a, 2b and the rear set of speakers 4a, 4b; col. 3, lines 14-21); and

an adding means for adding the attenuated side channel signals to the side channel signals not being attenuated (inherently provided in fader control).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasai in view of Miles (US 5,610,986).

Kasai differs from claims 2, 6, and 8 in that it does not teach attenuating in the range of 0.3n to 0.8n %. However, Miles teaches the desirability of attenuating a signal in the range of 1 minus 0.45 to 0.7, multiplied by the left

and right input signals (col. 6, lines 57-59, 64-66) such that it would have been obvious to an artisan of ordinary skill to incorporate such a center channel attenuation range, as taught by Miles, within the sound system of Kasai in order to provide an optimum channel balance.

6. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasai in view of Klayman (US 5,970,152).

Kasai differs from claims 13 and 15 in that it does not specify a delaying means. However, Klayman, from the same field of endeavor, teaches the desirability of incorporating a delay means before an adding means (audio enhancement devices 40, 42, 44, 46, 102, 104 may use time-delay techniques to achieve a desired audio effect; Figures 1-3; col. 7, lines 5-14) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of a delaying means, as taught by Klayman, within the system of Kasai to provide a desired audio effect.

7. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasai in view of Miles, as applied to claims 6 and 8 above, and further in view of Klayman for the same reasons given above with regard to claims 13 and 15.

***Allowable Subject Matter***

8. Claims 3-4, 9-12 are allowed.

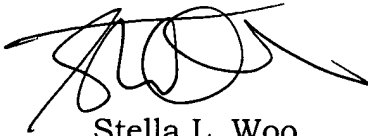
***Response to Arguments***

9. Applicant's arguments with respect to claims 1-2, 5-8, 13-16 have been considered but are moot in view of the new grounds of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Stella L. Woo  
Primary Examiner  
Art Unit 2643